

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                               |   |                          |
|-------------------------------|---|--------------------------|
| In re Application of:         | ) |                          |
|                               | ) |                          |
| Gianfranco COLOMBO et al.     | ) | Group Art Unit: 1791     |
|                               | ) |                          |
| Application No.: 10/533,927   | ) | Examiner: Steven D. Maki |
|                               | ) |                          |
| Filed: December 2, 2005       | ) | Confirmation No.: 8155   |
|                               | ) |                          |
| For: TREAD PATTERN FOR WINTER | ) |                          |
| TIRES                         | ) |                          |

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**VIA EFS-Web**

Sir:

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

In an Office Action dated December 24, 2008, the period for response having been extended to February 24, 2009, by a Petition requesting a one-month extension of time and fee payment filed concurrently herewith, the Examiner required election of one of the following three species (i.e., embodiments):

Species I, shown in Figs. 1 and 4;

Species II, shown in Fig. 5; and

Species III, shown in Fig. 6.

Applicants provisionally elect, with traverse, Species I shown in Figs. 1 and 4. Claims 60-92 and 97-118 "read on" Figs. 1 and 4, and at least claims 60-92 are generic. See Office Action at 2. Applicants traverse the election of species requirement because the Office Action fails to show how examination of claims 93-96 in addition to claims 60-92 and 97-118 would create a serious burden. See M.P.E.P. § 803 (requiring

examination of all of claims even though some of the claims are directed to independent or distinct inventions, unless serious burden is shown). Therefore, Applicants respectfully request reconsideration and withdrawal of the election of species requirement, and examination of all of pending claims 60-118 on the merits.

If the Examiner believes that a discussion might advance prosecution of this application, the Examiner is cordially invited to call Applicants' undersigned attorney at (404) 653-6559.

If there is any fee due in connection with the filing of this Response, please charge the fee to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 27, 2009

By: \_\_\_\_\_



Christopher T. Kent  
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